

Martin O'Malley Governor Anthony G. Brown Lt. Governor Richard Eberhart Hall Secretary Matthew J. Power Deputy Secretary

July 30, 2009

Mr. Bruce Dell, Planning & Zoning Administrator City of Brunswick 1 West Potomac Street Brunswick MD 21716

Re: City of Brunswick Water Resources Element

Dear Mr. Dell:

Thank you for submitting the draft City of Brunswick Water Resources Element to the Maryland Department of Planning (MDP) for our review.

The attached comments discuss general comments and those which must be incorporated in order to meet the statutory requirements of HB1141. In addition, the City of Brunswick will need to adopt its Municipal Growth Element (MGE) by October 1, 2009. If this is not possible, please follow the procedures outlined in the enclosed letter to request a time extension.

Again, thank you for the opportunity to review and comment on this Plan. Please do not hesitate to contact me, Jason Dubow or Jenny King at 410.767.4500 should you have any questions.

Sincerely.

Peter G. Conrad, AICP

Director

Local Government Assistance Unit

Enclosures: Comments on the Draft City of Brunswick Water Resources Element

May 5th MDP Letter regarding HB 1141 requirements

cc:

Eric Soter, Director, Frederick County Planning & Zoning

Jason Dubow, Planner, WRE Coordinator

Jenny King, Regional Planner

Rich Josephson, Director, Planning Services

Rita Elliot, MDP Clearinghouse

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Maryland Department of Planning Comments on the City of Brunswick Water Resources Element

The WRE is incomplete but would meet the requirements of HB1141 with recommended amendments. The most important amendments to include are in **bold**. The WRE does not yet effectively address the following purposes of the law and/or State guidance, as follows:

- Identify suitable receiving waters and land areas to meet the stormwater management and wastewater treatment and disposal needs of existing and future development proposed in the land use element of the plan, considering available data provided by MDE (Section 1.03(iii), Article 66B).
- The WRE should be drafted in a manner that supports the County water and sewerage plan (MDP M&G 26, pp. 18-19).

Overall comments

- The City of Brunswick will need to adopt its Municipal Growth Element (MGE) by October 1, 2009.
- The City should be commended for presenting a clear evaluation of the residential and non-residential water and sewer demand expected within the planning period, as well as the upgrades and improvements needed to meet that demand given water resource constraints.
- Consider listing the goals, objectives, and policies in the WRE in a similar format as in the 2007 City of Brunswick Master Plan.
- The WRE and the 2007 City of Brunswick Master Plan, which the WRE will become a part of (p. 2), have conflicting information and recommendations. For example, in the Master Plan the population in 2006 is estimated to be 5,679 (2007 City of Brunswick Master Plan, p. 10), while in the WRE the population in 2008 is estimated to be 6,167 (p. 3). To eliminate confusion, consider amending appropriate sections in the Master Plan to conform to the WRE, or include a statement in the WRE that indicates that the WRE's recommendations and data supersede those within particular sections of the Master Plan.
- The WRE should include a reference to relevant maps within the 2007 City of Brunswick Master Plan to help tie the WRE analyses to the City's land use plan, community facilities, and environmental features.
- The WRE should be drafted in a manner that will support the County Water and Sewerage Plan. The WRE should include a recommendation to amend the Frederick County Water and Sewerage Plan as soon as possible to reflect the City's plans and any revised demand figures. For example, the County Water and Sewerage Plan currently only lists 1,505 units for Brunswick Crossing with expected water and sewer demand of 0.99 MGD, while the WRE forecasts 1,818 units for Brunswick Crossing with expected water and sewer demand of 1.1 MGD.

• The WRE should include (or reference) maps that show the areas of the City and its 20-year growth boundary that are currently planned for water and sewer service in the Frederick County Water and Sewerage Plan. The WRE also should note whether an amendment to the Frederick County water and sewer plan is needed to designate any additional City and/or growth areas as planned for water and sewer service.

To ensure the adequacy of water supplies to support existing and future development as proposed in the land use plan, the City of Brunswick WRE includes demand forecasts and compares this to the expected capacity (pp. 7-8). The WRE also outlines source water protection measures (pp. 6-7). The WRE identifies the receiving waters affected by land use impacts (p. 3) and identifies the WWTP discharge point (p. 3). The WRE does not yet discuss the suitability of receiving waters.

Comments on the sewer demand analysis:

- The WRE should clarify whether the 2030 water and sewer demand would be sufficient to meet build-out demand within the City's 20-year growth boundary identified in the 2007 City of Brunswick Master Plan map. If not, given the constraints of the Tributary Strategy point source cap on WWTP discharge to the Potomac River, the WRE could briefly list options to serve additional growth beyond 2030, such as land application of wastewater, wastewater reuse, or connection to a larger WWTP facility. Also, under the MDE point source trading policy, an ENR facility can gain credits for going beyond the Tributary Strategy point source cap for connecting households served by septic tanks.
- Indicate the amount of wastewater flow that could be reduced by addressing I&I (p. 11).
- The Frederick County Water and Sewerage Plan notes that a study has been completed investigating the feasibility of providing future sewer service to the Village of Rosemont using some of the County's share of the Brunswick WWTP (p. 4-29). The results of this study could be included in the WRE and considered in the WRE's overall demand analysis. Also, indicate in the WRE whether the County still receives a share of the Brunswick WWTP capacity or not.

Comments on identifying suitable receiving waters:

- The WRE should discuss the suitability of the receiving waters in the context of the pollution forecast (p. 16). If there are no TMDLs for receiving waters, then the WRE should note this and indicate that suitability cannot yet be assessed. In addition, the WRE should discuss whether there are any Tier II waters that might be impacted through implementation of the City's land use plan.
- The pollution forecast could also include the City's pollution impact before the ENR upgrade to show how much pollution was reduced as a result. Provide a definition of the "Other" land use category used in the pollution forecast.



Martin O'Malley Governor Anthony G. Brown Lt. Governor Richard Eberhart Hall Secretary Matthew J. Power Deputy Secretary

May 5, 2009

Mr. Joseph Adkins, Deputy Director 140 West Patrick Street Frederick, MD 21701

Dear Mr. Adkins,

The purpose of this letter is to offer the assistance of the Maryland Department of Planning (MDP) in your efforts to fulfill requirements for new comprehensive plan elements per House Bill 1141 (adopted during the 2006 General Assembly legislative session). The following are the basic requirements of this law:

- Water Resources Elements (WREs) must be added to comprehensive plans of counties and municipalities with planning and zoning authority.
- Municipal Growth Elements (MGEs) must be added to plans for municipalities with planning and zoning authority.
- These elements must address statutory intent and be adopted as part of the local comprehensive plan by October 1, 2009, unless an extension has been granted by this Department.
- A local government that has not met these requirements cannot rezone land, including annexed lands as well as comprehensive and individual rezonings.

Review and Comment on Draft Plan Elements

We thank the jurisdictions that have already submitted draft Plan elements. The Department encourages all other jurisdictions to submit the draft Plan elements required by HB 1141 to the State Clearinghouse for a 60-day review prior to the local Planning Commission (or equivalent body) public hearing.

The Department will distribute your draft to appropriate agencies and send letters to each jurisdiction with the findings and suggestions of all the Departments that provide comments. The Department of the Environment (MDE) is responsible for determining if the WRE is consistent with their water resources programs and goals.

In our review comments, the Department will attempt to:

- recognize approaches that we believe are likely to be particularly innovative and effective ways to address the challenges presented by these requirements;
- identify strengths and shortcomings in the way in which the draft or adopted elements address statutory intent; and

• suggest remedies and improvements where appropriate.

Consistent with our practice, the Department will post comments on its Comprehensive Plans Online website. In light of the new requirements specific to the WRE and the MGE, the website will provide a summary of the dates on which draft elements are received by the Department and the dates on which elements were adopted by the local governing body.

Review and Comment on Adopted Elements

Adopted elements will be reviewed in light of the findings and suggestions made by State reviewers on your draft element(s). Accordingly, we urge all jurisdictions to consider revising draft elements in light of those comments before adoption.

We recommend that all jurisdictions submit adopted elements (hard or digital copies are appropriate) to the Department as soon as possible following adoption by the local governing body. Please advise us of the date of adoption as part of the submittal.

Upon receipt, the Department will incorporate the adopted elements(s) in the State collection as required by law (MDP maintains the official State depository for all official plans and related documents), and initiate their review by MDP and other interested State agencies. A review letter will be sent to submitting jurisdictions within 60 to 90 days of receipt of the element(s) at MDP.

Extensions

The Department urges you to make every effort to meet the October 1 deadline. If it appears likely that your governing body and/or executive will not adopt one or more of the new plan elements, or if a portion of a required plan element will be incomplete by October 1, 2009, please submit a deadline extension request to the Department no later than August 1, 2009. There are well over 100 jurisdictions subject to the requirements, and we want to make sure there is sufficient time for the Department to review and respond and for you to modify your plans to complete the element(s) if necessary.

The law allows the Department to grant an initial extension of six months to a local government showing good cause, and one additional six month extension if subsequently necessary.

To that end, in making an extension request, please advise us of:

- The reasons the element(s) will not be adopted by the statutory deadline;
- Your efforts to-date to fulfill the requirements, including milestones, dates and status; and
- Your plan to complete the requirements, including milestones and estimated dates.

We will evaluate requests in light of this information.

If you are not able to meet the deadline, MDP will work with you to ensure completion of the new planning elements as quickly as possible.

Thank you for your work on this important matter. Specific questions about consistency of the WRE with MDE's water resources programs and goals should be directed to Janice Outen at the Maryland Department of Environment, 410.537.3860. For other questions related to the new plan elements please contact Jason Dubow (Water Resources Element) or Peter Conrad (Municipal Growth Element) at the Department of Planning, 410-767-4500.

Sincerely,

Rich Josephson Director of Planning Services

Cc: Brigid Kenney, MDE Janice Outen, MDE Peter Conrad, MDP Jason Dubow, MDP